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SUBJECT: AMBASSADOR DICARLO MEETS WITH ICTY'S CHIEF
PROSECUTOR SERGE BRAMMERTZ

¶1. (SBU) SUMMARY: Serge Brammertz, the Chief Prosecutor of the International Tribunal for the Former Yugoslavia (ICTY), met with Ambassador DiCarlo December 1 prior to the ICTY's biannual briefing to the UN Security Council. Brammertz focused his discussion on recent developments with respect to Croatia's cooperation with providing evidentiary documents to the ICTY, saying Croatia's Government has made some progress but not enough. END SUMMARY.

¶2. (SBU) Brammertz said that Croatia's Prime Minister, Jadranka Kosor, established an interagency working group to investigate the whereabouts of evidentiary documents requested by the ICTY. Brammertz said that the working group is comprised of approximately 60 people but that it has focused more on whether Croatia's Government has conducted an appropriate investigation to find the documents rather than looking for the documents. He said that he delayed his report to the Security Council hoping that he would get some new evidence from Croatia but didn't receive anything until the last weekend in November. Kosor provided a document that is an order issued in 1998 to all military commands in Croatia directing them to collect all documents related to "Operation Storm" and put them in a safe place and to destroy all duplicate copies of such documents. Brammertz said although Kosor's gesture signals some cooperation, the document only confirms that there are documents that have been hidden that the ICTY needs. He said he planned to interview the people who issued the orders.

¶3. (U) Regarding Serbia, Brammertz said that he is satisfied with the efforts it has made and recognizes the professionalism and commitment of the Serbian Government to cooperate with the ICTY. He attributed such cooperation mainly to the notion that Serbia can say to the European Union (EU) that it is doing its job. Brammertz said that Serbia's cooperation and efforts are five times better now than one year ago and three times better than six months ago.

¶4. (U) Ambassador DiCarlo commented on the Karadzic case and referred to the many delays in the trial. Brammertz said there is a lot of drama in The Hague with respect to Karadzic's case and noted that Karadzic recently filed a motion that challenges the legal decision that created the ICTY. He also said that the case shows the limitations of self representation in that the accused is not free to move around freely to prepare his case.

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